

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHMOND, }
Petitioner, }
vs. } Civil Action No. 05-255 Erie
PRICE, et al., }
Respondents. }

ORDER

The papers in the above-captioned matter will not be processed any further for failure to comply with our Local Rules and/or practices. The papers are deficient in the following respects:

- Failure to file with Clerk of Courts: 17 South Park Row, Erie, PA 16501
- Failure to pay the filing fee or failure to move for leave to proceed in forma pauperis
- Failure to complete the in forma pauperis affidavit
- Failure to submit complaint on proper 1983 forms, to be supplied by the Clerk
- Failure to submit petition on proper 2254 forms, to be supplied by the Clerk
- Failure to sign complaint or petition
- Failure to file separate petition for each conviction, attacking more than one judgment
- Failure to submit pleadings to the court on paper no larger than 8½ x 11 inches
- Failure to include certificate of authorized officer on the institutional account statement
- Discovery materials are no longer accepted by the Court for filing in accordance with Local Rule 5.3.
- OTHER:

For the foregoing reasons, these papers are being returned to you and will not be processed any further. You may re-submit these documents but they must be submitted in compliance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

You have ten days from today's date in which to resubmit these documents.

SO ORDERED this 4th day of November, 2005.

s/ Sean J. McLaughlin
United States District Judge

Honorable Sean J. McLaughlin
United States District Judge
In re: Richmond vs. Price, et.al., No. 99-192 Erie

Dear Judge McLaughlin:

On October 21, 2005, the above captioned case was reopened. It has occurred to me after a brief appearance before your Honor on November 25, 2003, with respect to the above captioned case that a brief summary of the proceedings that have transpired in my case would be helpful to assist you in preparation for the anticipated pretrial conference and scheduling for jury trial.

On Novemebr 19, 2003, I was transferred to SCI-Albion to attend a pretrial conference which occurred on November 25, 2003. Jury selection was scheduled for December 15, 2003. During my stay at SCI-Albion from 11/19/03, through 12/30/03, I was repeatedly and overtly retaliated against by corrections officials at SCI-Albion. I have reason to believe the retaliations were directly related to the fact that (defendant) Wilkes is employed at SCI-Albion, and also that his wife is the Deputy Superintendent at that facility.

The retaliations ranged from being denied access to the law library, to not being permitted to use the legal research computers, to being forbidden to confer with my witnesses who were subpoenaed to testify on my behalf and transported to SCI-Albion for that sole purpose.

In addition to the above, one of my witnesses, (Mr. Christopher Kaminski), was denied medical treatment (he is a diabetic) and I personally witnessed him being assaulted by several corrections officers who unlawfully opened and entered his cell and physically beat him for

several minutes. He is willing to provide sworn testimony concerning the harrassment and retaliations he was subjected to at my upcoming trial if necessary. He was then escorted from the housing unit, and I did not see him again. Further, instead of transferring the other witness I requested i.e.(Dennis McKethan), who was present at the time I was assaulted on Feb. 28, 1999. Another individual with a similiar name who was **not** even assigned to SCI-Greene on the day of the incident was subpoenaed and transferred to SCI-Albion to allegedly testify on my behalf. These actions demonstrate a personal prejudice and malice against me due to the pending case against the defendants and it evinces a willingness on behalf of the parties through any means necessary to dissuade me from proceeding with the lawsuit, and may constitute the obstruction of Justice. It is impossible the subpoena was prepared and executed for the **wrong** person inadvertently, without the direct knowledge of defense counsel. I was informed the corrections officials were also told specifically that I was **not** to be permitted to confer with my witnesses in preparation for trial while being housed at SCI-Albion.

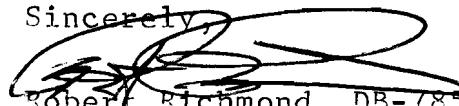
Truthfully, your Honor, I am unable to properly authenticate and/or present the evidence. Including medical evidence that may be proffered which would demonstrate I have sustained neurological damage to my right hand as a result of the assault against me. I cannot in any legal context properly stipulate facts to simplify the case, take depositions of the defendants, cross-examine proposed defense witnesses with any legal dexterity or even discuss my case beforehand with my witnesses. I was literally told several times by corrections officials that I would be better served to simply drop the lawsuit. My stay at SCI-Albion was nothing short of intimidation and durrress. I have no legal training whatsoever, nor do I have experience in litigation and/or the complexities of conducting a trial. In sum, simplicity in the allegation supporting the claim does not translate into simplicity in the presentation of the claim before a Jury. These factors all weigh heavily in regards to the appointment of counsel on my behalf.

Also, in the interest of expense reduction and case resolution before trial, it would be in the best interest of all parties concerned

that I be appointed counsel to represent me and to be able to discuss possible settlement of the case.

I am therefore, respectfully requesting that you provide me with a copy of the transcripts of November 25, 2003, in which you granted my oral motion in Limine. I also request you to reconsider the appointment of counsel to represent me in these matters.

cc: All Defense Counsel
file

Sincerely,

Robert Richmond DR-7852 B-1
RR 10 Box 10
Greensburg, Pa. 15601

DECLARATION

I, Robert Richmond do hereby certify that the within is true and correct based on personal knowledge and that I am willing to testify to same subject to the penalty of perjury in accordance with 28 U.S.C. § 1746.

PROOF OF SERVICE

I, Robert Richmond hereby state that I have served a copy of the within to the following person(s) and in the manner indicated. First class, U.S. mail, postage prepaid (institutional) to:

Honorable Sean J. McLaughlin
U.S. District Judge
U.S. Courthouse Room A250
17 South Park Row
Erie, Pa. 16501

Office of the Attorney General
Attn: Craig E. Maravich/Rodney Torbic Esq.
564 Forbes Avenue
6th Floor Manor Complex
Pittsburgh, Pa. 15219

Date: November 1, 2005

By Robert Richmond

